GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

MA & UD Department – Vijayawada Municipal Corporation – Amendment to G.O.Ms.No.73 HMA & UD Department, Dt.13.06.1977 removing the inalienability condition imposed therein – According permission the Commissioner, Vijayawada Municipal Corporation, Vijayawada to execute further sale deeds/ pattas on a free hold basis - Issuing NOCs to the assignee/legal heir/Purchasers, who wants to have a free hold document instead of conditional sale deeds/Pattas already issued - Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (J2) DEPARTMENT

G.O.Ms.No.4 Dated:03.01.2023

Read the following:-

1. G.O.Ms.No.73 HMA & UD (D) Department, Dt.13.06.1977.
2. From the Commissioner, Municipal Corporation, Vijayawada Lr.Roc.No.G9-61771/2006, dt.20.05.2022 & 25.08.2022.

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O R D E R :-

Government have accorded permission to the then Commissioner and Special Officer, Vijayawada Municipal Corporation to assign plots at Ajith Singh Nagar and Chitti Nagar (K.L.Rao Nagar) colonies to the original allottees on no profit no loss basis and to the other occupiers in those colonies at Market value at that time, subject to the condition that the pattas to be given shall stipulate that the plots are not transferable or mortgageable except for the purpose of obtaining loans from commercial banks for the construction of house by the Patta holder vide reference 1st read above.

2. The Commissioner, Vijayawada Municipal Corporation in the reference 2nd read above, has stated that based on the permission granted by the Government for exemption from payment of stamp duty, Registration fee and transfer duty and also based on the Council Resolutions on fixing of site cost, Vijayawada Municipal Corporation have registered 13,204 plots to beneficiaries against 13,915 plots at Payakapuram, Santhi Nagar, LBS Nagar, Patel Nagar, Sundaraiah Nagar, Prakash Nagar, Radha Nagar, Rajeev Nagar, Vaddera Colony (RS Nos.46,47 etc Payakapuram, LP No.59/84, LP No.32/87, LP No.27/93), subject to the condition that the purchaser is not entitled to alienate except to obtain any loan from any commercial bank for the purpose of construction of house by him. Further, Government have extended the time limit from time to time for registration of balance house plots given by Vijayawada Municipal Corporation and further extended the time limit up to 31.03.2019, as a matter of final opportunity for registration of balance plots.

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3. The Commissioner, Vijayawada Municipal Corporation has further stated that Government have issued guide lines for Valmiki Ambedkar Awas Yojana (VAMBAY) Scheme to provide shelter for people living below poverty line and economically weaker sections in urban slums and to have slum less cities vide G.O.Ms.No.90 Housing (U&IAY), dt.24.10.2002. Under this scheme, Vijayawada Municipal Corporation has allotted 6625 plots at New Raja Rajeswari peta and VAMBAY Colony to various encroachers dwelling in various canal bunds, river bunds and objectionable road margins etc. As per the G.O.Ms.No.74, Revenue (Registration-II) Department, dt. 28.01.2019, 431 beneficiaries have paid the site cost, out of which, 126 registrations have been completed. Thus there are 711 and 6,499 balance registrations have to be done. Due to General Elections, 2019, Model code of conduct, Vijayawada Municipal Corporation could not complete the balance registration work by 31.03.2019 and requested the Revenue (Registrations-II) Department to extend the time as a special case.

4. The Commissioner, Vijayawada Municipal Corporation has also further stated that as per G.O.Ms.No.73, HMA&UD(D) Department., dt:13.06.1977 and subsequent G.O's, the Vijayawada Municipal Corporation has executed sale deeds in the name of the beneficiaries evacuated from Krishna River bund, canal bunds, and objectionable road margins under various rehabilitation schemes. At the time of registration a condition of non-alienability was imposed as per the Government orders. These executions of sale deeds was done on payment of site cost as determined by the Vijayawada Municipal Corporation in various Council Resolutions as part of various slum rehabilitation schemes. Due to these conditional deeds / Pattas, beneficiaries are unable to transfer/sell their house sites in case of financial emergency and also not getting loans from financial institutions as they don't have the clear title over the house plots. As per judgment of Division Bench of the Hon'ble High Court in W.P.No.10206 of 2005, dt.02.09.2008, when assignment of land is granted on payment basis decided by the Council Resolution, the condition of inalienability is not applicable to such assignees and by virtue of section 10 of the Transfer of Property Act, 1882 this condition itself is void and unenforceable against the purchasers. The Vijayawada Municipal Council in its C.R. No.132, dt.17.05.2022 while resolving certain issues has resolved to submit the proposals to Government to convert registered documents already executed by Vijayawada Municipal Corporation into free hold. Hence, the Commissioner, Vijayawada Municipal Corporation has requested the Government to issue NOCs to the assignee/legal heir/Purchaser who desires to have a free hold document instead of conditional sale deeds/pattas already issued as per orders issued by the Government from time to time.

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5. Government after careful examination of the matter, hereby delete the inalienability condition imposed in G.O.Ms.No.73 HMA & UD (D) Department, Dt.13.06.1977 and accord permission to the Commissioner, Vijayawada Municipal Corporation, Vijayawada to execute further sale deeds/ pattas on a free hold basis and also to issue NOCs to the assignee/legal heir/Purchasers, who desire to have a free hold document instead of conditional sale deeds / Pattas already issued and the alienation of the pattas can be done after completion of 10 years from the date of assignment/allotment, so as to bring provision in law in consonance with the orders of Hon'ble High Court in W.P.No.10206 of 2005, dated 02.09.2008. The orders for extension of the time limit for registration of balance plots will be issued separately by the Revenue Department.

6. The Commissioner, Vijayawada Municipal Corporation shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Y.SRILAKSHMI
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner, Vijayawada Municipal Corporation, Vijayawada.
The Commissioner & Director of Municipal Administration, A.P., Guntur.
The Managing Director, AP State Housing Corporation Limited, Vijayawada.
Copy to:-
The Collectors & District Magistrates, NTR & Krishna Districts.
P.S. to M (MA&UD)
P.S. to Spl.CS to Govt., MA & UD Department.
Sc/Sf (E 1737199).

//FORWARDED::BY ORDER//

SK Nazeer
SECTION OFFICER